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PATENT
Attorney Docket No. 09812.0174

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
Eiji KAWAI)	Group Art Unit: 3629
Application No.: 09/981,696)	Examiner: Jonathan P. OUELLETTE
Filed: October 16, 2001)	Confirmation No.: 7316
For: ELECTRONIC GUIDE)	
INFORMATION PROCESSING)	
SYSTEM, INFORMATION)	
DISTRIBUTING APPARATUS,)	
PORTABLE TERMINAL)	
APPARATUS, AND METHOD)	
FOR PROCESSING)	
ELECTRONIC GUIDE)	
INFORMATION)	

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

APPEAL BRIEF UNDER BOARD RULE § 41.37

In support of the Notice of Appeal filed June 25, 2008, the period for filing an Appeal Brief extending through August 25, 2008, Appellant submits this Appeal Brief and encloses herewith a fee of \$510.00.

This appeal responds to the final rejection in the Office Action mailed March 25, 2008.

08/22/2008 AWONDAF1 00000099 09981696

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I. Real Party in Interest

The real party in interest is SONY CORPORATION.

II. Related Appeals and Interferences

There are currently no other appeals or interferences, of which Appellant, Appellant's legal representative, or assignee are aware, that will directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

III. Status of Claims

Claims 1-5, 8-14, 19-21, 24-32, and 35-45 are rejected.

Claims 6, 7, 15-18, 22, 23, 33, and 34 are canceled.

Claims 1-5, 8-14, 19-21, 24-32, and 35-45 are being appealed.

IV. Status of Amendments

No amendments have been filed subsequent to the final rejection in the Office Action of March 25, 2008.

V. Summary of Claimed Subject Matter

A. Independent Claim 1

Independent claim 1 recites an electronic guide information processing system for electronically processing guide information about a customers attracting facility having an entrance and an exit. (Page 12, lines 7-12; page 17, lines 19-21; Fig. 1, ref. 100; Fig. 3, refs. 10-12.) The system comprises an information distributing apparatus for converting the guide information into electronic guide information, encrypting the electronic guide information, and then distributing the encrypted

electronic guide information. (Page 12, lines 13-16; page 18, lines 14-16; Fig. 6, ref. 19.) The system further comprises a portable terminal apparatus for recording the encrypted electronic guide information, decrypting the encrypted electronic guide information at the entrance, and presenting the electronic guide information to an information user. (Page 21, line 9 to page 22, line 11; Fig. 8, ref. 14.) The system further comprises an information processing apparatus comprising an information collecting apparatus for collecting the electronic guide information from the portable terminal apparatus at the exit, the information processing apparatus erasing the electronic guide information from the portable terminal apparatus at the exit and writing in the portable terminal apparatus information about the information user's use of the customers attracting facility at the exit. (Page 18, line 25 to page 19, line 11; Fig. 3, ref. 2.)

B. Independent Claim 5

Independent claim 5 recites an electronic guide information processing system for processing guide information about a customers attracting facility which restricts customers to go in and out of the customers attracting facility only through its entrance and exit. (Page 12, lines 7-12; page 17, lines 19-21; Fig. 1, ref. 100; Fig. 3, refs. 10-12.) The system comprises an information lending apparatus for converting the guide information into electronic guide information, encrypting the electronic guide information, and lending the encrypted electronic guide information. (Page 12, lines 13-16; page 18, lines 13-17; Fig. 3, ref. 1.) The system further comprises a portable terminal apparatus for recording the encrypted electronic guide information, decrypting the encrypted

electronic guide information at the entrance, and presenting the electronic guide information, which has been lent from the information lending apparatus, to an information user. (Page 21, line 9 to page 22, line 11; Fig. 8, ref. 14.) The system further comprises an information collecting apparatus for collecting, at the exit, the electronic guide information which has been lent to the portable terminal apparatus. When the electronic guide information is collected at the exit, the electronic guide information is erased at the exit, and information about the information user's use of the customers attracting facility is written in the portable terminal apparatus at the exit. (Page 18, line 25 to page 19, line 11; Fig. 3, ref. 2.) Reading of the electronic guide information is permitted at the entrance, while reading of the electronic guide information is inhibited at the exit. (Page 17, line 26 to page 18, line 2.)

C. Independent Claim 19

Independent claim 19 recites a portable terminal apparatus for obtaining and processing electronic guide information about a customers attracting facility having an entrance and an exit. (Page 17, lines 19-21; page 21, line 9 to page 22, line 11; Fig. 3, refs. 10-12; Fig. 8, ref. 14; Fig. 13, ref. 401) The apparatus comprises a manipulating section manipulated in order to input manipulation information about the electronic guide information. (Page 34, lines 5-9; Fig. 13, ref. 4.) The apparatus further comprises a receiving section for receiving encrypted electronic guide information for an information user. (Page 48, line 14 to page 49, line 2; Fig. 13, ref. 204.) The apparatus further comprises a nonvolatile storing apparatus for storing the encrypted electronic guide information received by the receiving section. (Page 33, line 25 to page 34,

line 4; page 48, line 23 to page 49, line 6; Fig. 8; ref. 33; Fig. 13, ref. 203; Fig. 19, ref. 75.) The apparatus further comprises a decrypting section for decrypting the encrypted electronic guide information at the entrance. (Page 61, lines 14-16.) The apparatus further comprises a controlling apparatus for reading the electronic guide information from the storing apparatus in accordance with the manipulation information from the manipulating section and processing the electronic guide information to control an image display. (Page 34, lines 5-11; Figs. 8 and 22, ref. 70.) When the electronic guide information about the customers attracting facility is collected at the exit, the controlling apparatus erases the electronic guide information at the exit and writes in the storing apparatus information about the information user's use of the customers attracting facility at the exit. (Page 18, line 25 to page 19, line 11; Fig. 3, ref. 2.)

D. Independent Claim 28

Independent claim 28 recites a method for processing electronic guide information which electronically processes guide information about a customers attracting facility having an entrance and an exit. (Page 14, lines 5-8; page 17, lines 19-21; Fig. 2; Fig. 3, refs. 10-12.) The method comprises producing electronic guide information at an information provider side by converting the guide information. (Page 14, lines 18-26; Fig. 2, step A1.) The method further comprises encrypting the electronic guide information at the information provider side. (Page 21, lines 18-20; Fig. 4, step C11.) The method further comprises distributing the encrypted electronic guide information to a portable terminal apparatus carried by an information user. (Page 15, lines 3-12; Fig. 2, step A2.) The method further comprises obtaining the

distributed encrypted electronic guide information at the information user side.

(Page 15, lines 13-20; Fig. 2, step B1.) The method further comprises decrypting the encrypted electronic guide information at the entrance. (Page 21, lines 23-25; Fig. 4, step C12.) The method further comprises presenting the electronic guide information to the information user. (Page 15, line 21 to page 16, line 3; Fig. 2, step B2.) The method further comprises collecting the electronic guide information from the portable terminal apparatus at the exit. (Page 22, lines 17-20; Fig. 4, step C2.) The method further comprises erasing the electronic guide information from the portable terminal apparatus at the exit. (Page 22, lines 21-22; Fig. 4, step C21.) The method further comprises writing in the portable terminal apparatus information about the information user's use of the customers attracting facility at the exit. (Page 22, lines 22-25; Fig. 4, step C22.)

E. Independent Claim 32

Independent claim 32 recites a method for processing electronic guide information which processes electronic guide information about a customers attracting facility which restricts customers to go in and out of the customers attracting facility only through its entrance and exit. (Page 14, lines 5-8; page 17, lines 19-21; Fig. 2; Fig. 3, refs. 10-12.) The method comprises encrypting the electronic guide information. (Page 21, lines 18-20; Fig. 4, step C11.) The method further comprises lending the encrypted electronic guide information to a portable terminal apparatus carried by an information user. (Page 15, lines 3-12; page 18, lines 13-17; Fig. 2, step A2.) The method further comprises decrypting the encrypted electronic guide information in the portable terminal apparatus at the entrance. (Page 21, lines 23-25; Fig. 4, step C12.)

The method further comprises collecting, at the exit, the electronic guide information which has been lent to the portable terminal apparatus. (Page 22, lines 17-20; Fig. 4, step C2.) The method further comprises erasing the lent electronic guide information at the exit from the portable terminal apparatus. (Page 22, lines 21-22; Fig. 4, step C21.) The method further comprises writing in the portable terminal apparatus information about the information user's use of the customers attracting facility at the exit. (Page 22, lines 22-25; Fig. 4, step C22.)

VI. Grounds of Rejection to Be Reviewed on Appeal

Claims 1-5, 8-14, 19-21, 24-32, and 35-45 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,587,835 to Treyz et al. ("*Treyz*") in view of U.S. Patent No. 6,401,085 to Gershman et al. ("*Gershman*").

VII. Argument

Appellant respectfully requests reversal of the rejection of claims 1-5, 8-14, 19-21, 24-32, and 35-45 under 35 U.S.C. § 103(a) as being unpatentable over *Treyz* in view of *Gershman*.

Independent claim 1 recites an electronic guide information processing system comprising, among other things, "an information processing apparatus . . . erasing the electronic guide information from the portable terminal apparatus at the exit and writing in the portable terminal apparatus information about the information user's use of the customers attracting facility at the exit." (Emphasis added.)

As claimed, both "erasing" and "writing" occur "at the exit," that is, at the same location.

Treys discloses, “[w]hen the user arrives at the store, . . . the user may be alerted to the availability of the local wireless link [(i.e., the user is in range)] . . . [by] display[ing] an icon . . . on the display.” *Treys*, col. 49, lines 20-34. Although *Treys* is completely silent with respect to erasing the icon, the Examiner assumes that the icon will be erased when the user is out of range. Office Action at 3.

Treys further discloses, “handheld computing device 12 may be used to monitor which financial transactions are made.” *Treys*, col. 46, lines 38-39. However, in *Treys*, the writing of financial transactions onto the handheld computing device cannot occur at the same location as where the erasing occurs, because the erasing occurs when the user holding the handheld computing device is out of range. If the handheld computing device were out of range, then the handheld computing device would not be able to communicate wirelessly to perform the writing.

Therefore, in *Treys*, the erasing and the writing cannot occur at the same location. Accordingly, *Treys* fails to teach or suggest “erasing the electronic guide information from the portable terminal apparatus at the exit and writing in the portable terminal apparatus information about the information user’s use of the customers attracting facility at the exit,” as recited in claim 1 (emphasis added). *Treys* thus fails to disclose or suggest the “information processing apparatus” of claim 1.

Gershman discloses a “system [that] provides an innovative collaborative interface to many popular user applications that are useful in a mobile environment.” *Gershman*, abstract. However, *Gershman* fails to disclose erasing and writing at an exit. Accordingly, *Gershman* fails to disclose or suggest the “information processing

apparatus" of claim 1, and thus fails to cure the deficiencies of *Treyz*. Therefore, a *prima facie* case of obviousness has not been established with respect to claim 1.

Independent claims 5, 19, 28, and 32, although different in scope from claim 1, distinguish over *Treyz* and *Gershman* for at least the same reasons as claim 1.


Dependent claims 2-4, 8-14, 20, 21, 24-27, 29-31, and 35-45 are allowable at least due to their dependence from allowable base claims. Accordingly, Appellant respectfully requests that the Board reverse the Examiner's rejection of claims 1-5, 8-14, 19-21, 24-32, and 35-45 under 35 U.S.C. § 103(a).

Please grant any extension of time required to enter this Appeal Brief and charge any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
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Dated: August 21, 2008

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VIII. Claims Appendix

1. An electronic guide information processing system for electronically processing guide information about a customers attracting facility having an entrance and an exit, the system comprising:

an information distributing apparatus for converting the guide information into electronic guide information, encrypting the electronic guide information, and then distributing the encrypted electronic guide information;

a portable terminal apparatus for recording the encrypted electronic guide information, decrypting the encrypted electronic guide information at the entrance, and presenting the electronic guide information to an information user; and

an information processing apparatus comprising an information collecting apparatus for collecting the electronic guide information from the portable terminal apparatus at the exit, the information processing apparatus erasing the electronic guide information from the portable terminal apparatus at the exit and writing in the portable terminal apparatus information about the information user's use of the customers attracting facility at the exit.

2. The electronic guide information processing system according to claim 1, wherein the encrypted electronic guide information is distributed to the portable terminal apparatus by use of an already-existing broadcasting infrastructure or/and a communication infrastructure.

3. The electronic guide information processing system according to claim 1, wherein an information recording medium is mounted to the portable terminal apparatus, and

wherein the electronic guide information about the customers attracting facility is recorded in the information recording medium.

4. The electronic guide information processing system according to claim 3, wherein the information recording mediums is provided by use of an already-existing sales infrastructure.

5. An electronic guide information processing system for processing guide information about a customers attracting facility which restricts customers to go in and out of the customers attracting facility only through its entrance and exit, the system comprising:

an information lending apparatus for converting the guide information into electronic guide information, encrypting the electronic guide information, and lending the encrypted electronic guide information;

a portable terminal apparatus for recording the encrypted electronic guide information, decrypting the encrypted electronic guide information at the entrance, and presenting the electronic guide information, which has been lent from the information lending apparatus, to an information user; and

an information collecting apparatus for collecting, at the exit, the electronic guide information which has been lent to the portable terminal apparatus,

wherein, when the electronic guide information is collected at the exit, the electronic guide information is erased at the exit, and information about the information user's use of the customers attracting facility is written in the portable terminal apparatus at the exit; and

wherein reading of the electronic guide information is permitted at the entrance, while reading of the electronic guide information is inhibited at the exit.

8. The electronic guide information processing system according to claim 5, wherein specific wireless broadcasting means effective in a target area is provided to the customers attracting facility, and

wherein the encrypted electronic guide information is provided to the portable terminal apparatus from the specific wireless broadcasting means.

9. The electronic guide information processing system according to claim 5, wherein the portable terminal apparatus comprises receiving means for receiving a wireless broadcasting signal from the specific wireless broadcasting means.

10. The electronic guide information processing system according to claim 9, wherein, when the portable terminal apparatus does not have the receiving means, the receiving means is lent at the entrance of the customers attracting facility.

11. The electronic guide information processing system according to claim 9, wherein the electronic guide information received by the receiving means is correlated

with electronic guide information which has been already stored in the portable terminal apparatus.

12. The electronic guide information processing system according to claim 5, wherein the portable terminal apparatus comprises position measuring means for measuring latitude, longitude, and height by use of an artificial satellite, so as to specify the position of this portable terminal apparatus itself.

13. The electronic guide information processing system according to claim 12, wherein, when the portable terminal apparatus does not have the position measuring means, the position measuring means is lent at the entrance of the customers attracting facility.

14. The electronic guide information processing system according to claim 12, wherein the measurement information obtained by the position measuring means is correlated with map information about the customers attracting facility which has been already stored in the portable terminal apparatus.

19. A portable terminal apparatus for obtaining and processing electronic guide information about a customers attracting facility having an entrance and an exit, the apparatus comprising:

a manipulating section manipulated in order to input manipulation information about the electronic guide information;

a receiving section for receiving encrypted electronic guide information for an information user;

a nonvolatile storing apparatus for storing the encrypted electronic guide information received by the receiving section;

a decrypting section for decrypting the encrypted electronic guide information at the entrance; and

a controlling apparatus for reading the electronic guide information from the storing apparatus in accordance with the manipulation information from the manipulating section and processing the electronic guide information to control an image display,

wherein, when the electronic guide information about the customers attracting facility is collected at the exit, the controlling apparatus erases the electronic guide information at the exit and writes in the storing apparatus information about the information user's use of the customers attracting facility at the exit.

20. The portable terminal apparatus according to claim 19, wherein the controlling apparatus processes the electronic guide information to control a display of an image of a customers attracting facility made of a three-dimensional image.

21. The portable terminal apparatus according to claim 19, wherein a communication modem is connected to the controlling apparatus, so as to receive the electronic guide information distributed by use of an already-existing communication infrastructure.

24. The portable terminal apparatus according to claim 19, wherein, when specific wireless broadcasting means effective only in a target area is provided to the customers attracting facility, the controlling apparatus receives the electronic guide information from the specific wireless broadcasting means by the receiving section.

25. The portable terminal apparatus according to claim 24, wherein the encrypted electronic guide information received by the receiving section is correlated with electronic guide information which has already been stored in the storing apparatus.

26. The portable terminal apparatus according to claim 19, wherein position measuring means is connected to the controlling apparatus, and the position of the portable terminal apparatus itself is specified by measuring latitude, longitude, and height by use of an artificial satellite.

27. The portable terminal apparatus according to claim 26, wherein the measurement information obtained by the position measuring means is correlated with map information about the customers attracting facility which has been already stored in the storing apparatus.

28. A method for processing electronic guide information which electronically processes guide information about a customers attracting facility having an entrance

and an exit, the method comprising:

producing electronic guide information at an information provider side by
converting the guide information;
encrypting the electronic guide information at the information provider side;
distributing the encrypted electronic guide information to a portable terminal
apparatus carried by an information user;
obtaining the distributed encrypted electronic guide information at the information
user side;
decrypting the encrypted electronic guide information at the entrance;
presenting the electronic guide information to the information user;
collecting the electronic guide information from the portable terminal apparatus at
the exit;
erasing the electronic guide information from the portable terminal apparatus at
the exit; and
writing in the portable terminal apparatus information about the information user's
use of the customers attracting facility at the exit.

29. The method for processing electronic guide information according to claim
28, wherein the encrypted electronic guide information is distributed to the portable
terminal apparatus by use of an already-existing broadcasting infrastructure or/and a
communication infrastructure.

30. The method for processing electronic guide information according to claim 28, wherein the electronic guide information about the customers attracting facility is recorded in an information recording medium and is provided to the information user, and

wherein, at the time of using the information recording medium, the information user mounts the information recording medium to the portable terminal apparatus.

31. The method for processing electronic guide information according to claim 30, wherein the information recording medium is provided by use of an already-existing sales infrastructure.

32. A method for processing electronic guide information which processes electronic guide information about a customers attracting facility which restricts customers to go in and out of the customers attracting facility only through its entrance and exit, the method comprising:

encrypting the electronic guide information;

lending the encrypted electronic guide information to a portable terminal apparatus carried by an information user;

decrypting the encrypted electronic guide information in the portable terminal apparatus at the entrance;

collecting, at the exit, the electronic guide information which has been lent to the portable terminal apparatus;

erasing the lent electronic guide information at the exit from the portable terminal

apparatus; and

writing in the portable terminal apparatus information about the information user's use of the customers attracting facility at the exit.

35. The method for processing electronic guide information according to claim 32, wherein specific wireless broadcasting means effective only in a target area is provided to the customers attracting facility, and

wherein the encrypted electronic guide information is provided to the portable terminal apparatus carried by information user from the specific wireless broadcasting means.

36. The method for processing electronic guide information according to claim 32, wherein, when the portable terminal apparatus does not have the receiving means, the receiving means is lent at the entrance of the customers attracting facility.

37. The method for processing an electronic guide information according to claim 36, wherein the electronic guide information received by the receiving means is correlated with electronic guide information which has been already stored in the portable terminal apparatus.

38. The method for processing an electronic guide information according to claim 32, wherein the portable terminal apparatus comprises position measuring means for measuring latitude, longitude, and height by use of an artificial satellite, so as to

specify the position of this portable terminal apparatus itself.

39. The method for processing an electronic guide information according to claim 38, wherein, when the portable terminal apparatus does not have the position measuring means, the position measuring means is lent at the entrance of the customers attracting facility.

40. The method for processing an electronic guide information according to claim 38, wherein the measurement information obtained by the position measuring means is correlated with map information about the customers attracting facility which has been already stored in the portable terminal apparatus.

41. The electronic guide information processing system of according to claim 1, wherein the information processing apparatus writes advertisement information about the customers attracting facility in the portable terminal apparatus at the exit.

42. The electronic guide information processing system of according to claim 5, wherein, when the electronic guide information is collected at the exit, advertisement information about the customers attracting facility is written in the portable terminal apparatus at the exit.

43. The portable terminal apparatus according to claim 19, wherein, when the electronic guide information about the customers attracting facility is collected at the

exit, the controlling apparatus writes advertisement information about the customers attracting facility in the storing apparatus at the exit.

44. The method for processing electronic guide information according to claim 28, further comprising writing advertisement information about the customers attracting facility in the portable terminal apparatus at the exit.

45. The method for processing electronic guide information according to claim 32, further comprising writing advertisement information about the customers attracting facility in the portable terminal apparatus at the exit.

IX. Evidence Appendix

None.

X. Related Proceedings Appendix

None.